

MINING LAWS
OF THE
STATE OF MONTANA

COMPILED FROM
THE MONTANA CODES
AND
SESSION LAWS OF 1897.

Compiled at the Office of the Secretary of State.

JOHN BYRNE,
MINE INSPECTOR.

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HELENA, MONTANA.

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This Pamphlet contains Mining Laws of the State of Montana now in force.

T. S. HOGAN,

Secretary of State.

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MINING LAWS
OF THE
STATE OF MONTANA.

CONSTITUTIONAL PROVISIONS.

ARTICLE XII.

REVENUE AND TAXATION.

Section 3. All mines and mining claims, both placer and rock in place, containing or bearing gold, silver, copper, lead, coal, or other valuable mineral deposits, after purchase thereof from the United States, shall be taxed at the price paid the United States therefor, unless the surface ground, or some part thereof, of such mine or claim, is used for other than mining purposes, and has a separate and independent value for such other purposes, in which case said surface ground, or any part thereof, so used for other than mining purposes, shall be taxed at its value for such other purposes, as provided by law; and all machinery used in mining, and all property and surface improvements upon or appurtenant to mines and mining claims which have a value separate and independent of such mines or mining claims, and the annual net proceeds of all mines and mining claims shall be taxed as provided by law.

ARTICLE III.

RIGHTS OF THE PEOPLE OF THE STATE OF MONTANA.

Section 25. Aliens and denizens shall have the same right as citizens to acquire, purchase, possess, enjoy, convey, transmit and inherit mines and mining property, and milling, reduction, concentrating and other works, and real property necessary for or connected with the business of mining and treating ores and minerals; Provided, That nothing herein contained shall be construed to infringe upon the authority of the United States to provide for the sale or disposition of its mineral and other public lands.

STATUTORY PROVISIONS.

MINES AND MINING.

THE DISCOVERY AND LOCATION OF MINING CLAIMS.—THE RECORD AND WORK.

Section 3610. Location of Mining Claims. Notice of location what to contain.

Section 3611. Discovery shaft, boundaries, how made and of what to consist.

Section 3612. Declaratory statement, when and where filed, and what to contain.

Section 3613. Placer locations heretofore made, effect of.

Section 3614. Annual work, affidavit, what to contain and record.

Section 3615. Relocations, how made.

Section 3616. Official survey, certificate thereof, and made part of declaratory statement.

Section 3610. Any person a citizen of the United States, or one who has declared his intentions to become such, who discovers a vein or lode bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, or who discovers or locates a placer deposit of gold, or other deposit of minerals, including building stone, limestone, marble, clay, sand, or other mineral substances having a commercial value, may locate a claim upon such vein, lode or deposit by defining the boundaries of the claim in the manner hereinafter described, and by posting a notice of such location at the point of discovery, which notice must contain:

1. The name of the lode or claim.

2. The name of the locator or locators.

3. The date of the location.

4. If a lode claim, the number of lineal feet claimed in length along the course of the vein, each way from the point of discovery, with the width on each side of the center of the vein, and the general course of the vein or lode as near as may be.

5. If a placer or mill site claim, the number of acres or superficial feet claimed.

Section 3611. Before the expiration of ninety days from the date of posting such notice upon the claim the locator or locators must sink a discovery shaft upon the lode or claim (mill site claims excepted), to the depth of at least ten feet from the lowest part of the rim of such shaft at the surface, or deeper, if necessary to show a well defined crevice or valuable deposit. Its equivalent in work must be done upon placer claims. A cut, a cross-cut or a tunnel which cuts a lode at the depth of ten feet below the surface or an open cut of at least ten feet in length along the lode from the point where the lode may be in any manner discovered, is equivalent to a discovery shaft. The locator or locators must define the boundaries of his or their claim by marking a tree or rock in place, or by setting a post or stone at each corner or angle of the claim. When a post is used it must be at least four inches square by four feet six inches in length, set one foot in the ground, with a mound of earth or stone four feet in diameter by two feet in height around the post. When a stone is used, not a rock in place, it must be at least six inches square and eighteen inches in length, set two-thirds of its length in the ground, which trees, stakes or monuments must be so marked as to designate the corners.

Section 3612. Within ninety days of the date of posting the location notice upon the claim, there must be filed in the office of the county clerk of the county in which the lode or claim is situated, a declaratory statement, which must contain:

1. The name of the lode or claim.
2. The name of the locator or locators.
3. The date of location, and such description of the location of said claim with reference to some natural object or permanent monument as will identify the claim.
4. If a lode claim, the number of lineal feet claimed in length along the course of the vein each way from the point of discovery, with the width on each side of the center of the vein, and the general course of the lode or vein as near as may be.
5. If a placer or mill site claim, the number of acres or superficial feet claimed.
6. The dimensions and location of the discovery shaft, or its equivalent, sunk upon lode or placer claims.
7. The location and description of each corner, with the markings thereon.

Such declaratory statement must be verified by the oath of the locator, or one of the locators, and in case of a corporation by an officer thereof, duly authorized to act.

Section 3613. All placer mining locations or locations of valuable mineral deposits, which have heretofore been recorded in the office of the county clerk or recorder, have the same force and effect as though such records had been authorized by law, except in cases where the rights of third persons had been acquired before the passage of this Code; and such record is entitled to be admitted in evidence in any court.

Section 3614. The owner of a lode or placer claim who performs or causes to be performed the annual work or makes the improvements required by the laws of the United States in order to prevent the forfeiture of the claim, may, within twenty days after the annual work, file in the office of the county clerk of the county in which such claim is situated an affidavit of his own, or an affidavit of the person who performed such work or made the improvements, showing:

1. The name of the mining claim and where situated.
2. The number of days' work done, and the character and value of the improvements placed thereon.
3. The dates of performing such work and of making the improvements.
4. At whose instance the work was done or the improvements made.
5. The actual amount paid for work and improvements, by whom paid when the same was not done by the owner.

Such affidavits, or a certified copy thereof are *prima facie* evidence of the facts therein stated.

Section 3615. The relocation of an abandoned lode or placer claim must be made by sinking a new discovery shaft, and fixing new boundaries in the same manner as if it were an original location made under this Chapter; or the relocator may sink the original discovery shaft ten feet deeper, in which case the declaratory statement must give the depth and dimensions of the original discovery shaft at the date of such relocation. In any case, whether the whole or part of an abandoned claim is taken, the declaratory statement may state that part of the new location is located as abandoned property. If it is not known to the locator that his location is on an abandoned claim, then the provisions of this Section do not apply.

Section 3616. Where a locator or owner of a mining claim has the boundaries and corners of his claim established by a United States Deputy Mineral Surveyor, and his claim connected with a corner of the public or minor surveys, or an established initial point, and incorporates into the declaratory statement the field notes of such survey, and attaches to and files with such declaratory statement, a certificate by the surveyor setting forth:

1. That such survey was actually made by him, giving the date thereof.
2. The names of the claim surveyed and the locators thereof.
3. That the description incorporated in the declaratory statement is sufficient to identify the claim.

Such survey and certificate becomes a part of the declaratory statement and such declaratory statement is *prima facie* evidence of the facts therein contained.

Note—The Provisions of this Chapter apply only to the locations made after this Code goes into effect.

DESTROYING OR TEARING DOWN NOTICES.

Penal Code.

Section 1062. Every person who intentionally:

1. Defaces, obliterates, tears down, or destroys any copy or transcript or extract from or of any law of the United States or of this State, or any proclamation, advertisement or notification set up at any place in this State by authority of any law of the United States or of this State, or by order of any court, before the expiration of the time for which the same was to remain set up; or,

2. Defaces, obliterates, tears or destroys any notice placed or posted on a mining claim, or removes or destroys any stake or monument placed thereon to identify it,

Is punishable by imprisonment in the county jail not exceeding three months or by a fine not exceeding one hundred dollars, or both.

RIGHT OF WAY.

Political Code.

- Section 3630. Owners of mines have right of way.
- Section 3631. Right of way for road or ditch.
- Section 3632. Proceedings to obtain right of way.
- Section 3633. Proceedings before the court.
- Section 3634. Commissioners to be appointed.
- Section 3635. Damage to be assessed by commissioners.
- Section 3636. Report of commissioners may be set aside.
- Section 3637. Right of way may be upon payment of damages assessed.
- Section 3638. Appeal from the assessment of damages, how taken.
- Section 3639. Trial on appeal.
- Section 3640. Costs, how paid.
- Section 3641. Final appeal may be taken to Supreme Court.

Section 3630. The owner of a mining claim held under the laws of the United States by patent or otherwise, or under the local laws and customs of the State, has a right of way over and across the land or mining claim, patented or otherwise, of another, as prescribed in this Chapter.

Section 3631. Whenever a mine or mining claim is so situated that it cannot be conveniently worked without a road thereto, or a ditch to convey water thereto, or a ditch or a cut to convey the water therefrom, or without a flume to carry water and tailings therefrom, or without a shaft or a tunnel thereto, which road, ditch, cut, flume, shaft, or tunnel must necessarily pass over, under, through, or across any lands or mining claims owned or occupied by another, such owner is entitled to a right of way for said road, ditch, cut, flume, shaft or tunnel over, under through and across the lands or mining claims belonging to another, upon compliance with the provisions of this Chapter.

Section 3632. Whenever such owner desires to work a mine or mining claim, and it is necessary to enable him to do so successfully and conveniently, that he should have a right of way for any of the purposes mentioned in the foregoing Sections; and, if such right of way has not been acquired by agreement between him and the owner of the land or claims, over, under, across, and upon which he seeks to establish such right of way, it is lawful for him to present to the judge of the District Court a complaint asking that such right of way be awarded to him. The complaint must be verified and contain a particular description of the character and extent of the right sought, a description

of the mine or mining claim of the owner, and the mining claim or claims and the lands to be affected by such right of way, with the names of the occupants or owners thereof, and may also set forth any tender or offer hereinafter mentioned.

Section 3633. Upon the receipt of the complaint, and filing thereof with the clerk of the court, the judge must direct a summons to issue to the defendants named in the complaint, requiring them to appear before the judge on a day therein named, which must not be less than ten days from the service thereof, and show cause why such right of way should not be allowed; the summons may be served on each of the parties in the manner prescribed by law for serving summons in other actions.

Section 3634. Upon the return of the summons, or upon any day to which the hearing is adjourned, the defendants may demur or answer, and issue must be joined, and the judge must hear the allegations and proofs of the respective parties, and if, upon such hearing, he is satisfied that the claims of the plaintiff can only be conveniently worked by means of the privilege asked for, he must make an order, adjudging and awarding to the plaintiff such right of way, and must appoint three commissioners, disinterested persons and residents of the county to assess the damages to the lands or claims affected by such order.

Section 3635. The commissioners must be sworn to faithfully and impartially discharge their duties, and must without delay examine the property, lands and claims, and assess the damages resulting from such right of way, and report the amount to the judge, and if such right of way affects the property of more than one person, such report must contain an assessment of damages to each person.

Section 3636. For good cause shown the judge may set aside the report of the commissioners and appoint three other commissioners.

Section 3637. Upon the payment of the sum assessed as damages, and all costs, to the persons to whom it is awarded, or the payment of the same to the clerk for the use of such person, plaintiff is entitled to the right of way, and may immediately proceed to occupy the same and to erect thereon such works and structures and make therein such excavations as may be necessary to the use and enjoyment of the right of way so awarded.

Section 3638. An appeal from the assessment of damages made by the commissioners may be taken to the District Court by any party

interested at any time within ten days after filing of the report of the commissioners. A written notice of appeal must be filed with the clerk, and served upon the opposite party.

Section 3639. On appeal the question of the amount of damages may be tried by the court or jury as in other cases. If the appellant recovers damages exceeding the amount awarded by the commissioners, the opposite party must pay the costs of appeal, otherwise the appellant.

Section 3640. All costs and expenses of the proceedings under the provisions of this Chapter, except as provided in the next preceding Section, must be paid by the plaintiff or party making the application. The judge may, if the right of way asked for is denied, allow the opposite party a reasonable counsel fee.

Section 3641. An appeal to the Supreme Court may be taken by either party, as in other cases.

TAXATION OF MINING PROPERTY.

Political Code.

Section 3672. Taxation of mines.

Section 3672. All mines and mining claims, both placer and rock in place, containing or bearing gold, silver, copper, lead, coal, or other valuable mineral deposits, after purchase thereof from the United States, shall be taxed at the price paid the United States therefor, unless the surface ground, or some part thereof, of such mine or claim is used for other than mining purposes, and has a separate and independent value for such other purposes, in which case said surface ground, or any part thereof, so used for other than mining purposes shall be taxed at its full value for such other purposes and all machinery used in mining and all property and surface improvements upon or appurtenant to mines and mining claims which have a value separate and independent of such mines or mining claims, and the annual net proceeds of all mines and mining claims shall be taxed as other personal property.

ASSESSMENT OF NET PROCEEDS OF MINES.

Political Code.

- Section 3760. Owners of mines must make statement.
- Section 3761. Statement, what to contain.
- Section 3762. What deductions are to be made.
- Section 3763. Assessment book of the net proceeds of mines, what to contain.
- Section 3764. Duties of the assessor and other officers.
- Section 3765. Failure to make statement, duty of assessor.
- Section 3766. Right of assessor to examine books, etc.
- Section 3767. Improvements, etc., not exempt.
- Section 3768. Tax, how collected, and tax a lien.

Section 3760. Every person, corporation or association engaged in mining upon any quartz vein or lode, or placer mining claim, containing gold, silver, copper, coal, lead or other valuable mineral deposits, must, between the first and tenth days of June in each year, make out a statement of the gross yield of the above named metals or minerals from each mine owned or worked by such person, corporation or association during the year preceding the first day of June, and the value thereof. Such statement must be verified by the oath of such person, or the superintendent or managing agent of such corporation or association, who must deliver the same to the assessor of the county in which such mine or mines are situated.

Section 3761. The statement mentioned in the preceding Section must contain a true and correct account of the actual expenditures of money and labor in and about extracting the ore or mineral from the mine and transporting the same to the mill or reduction works and the reduction of the ore and the conversion of the same into money, or its equivalent, during the year.

Section 3762. In making the statement of the expenditures mentioned in the preceding Section, there must be allowed all moneys expended for necessary labor, machinery and supplies needed and used in the mining operations, for improvements necessary in and about the working of the mine, for reducing the ores, for the construction of mills and reduction works used and operated in connection with the mine, for transporting the ore and for extracting the metals and minerals therefrom; but the money invested in the mines or improvements during any year except the year immediately preceding such statement, must not be included therein. Such expenditures do not include the sal-

aries, or any portion thereof, of any persons or officers not actually engaged in the working of the mine, or personally superintending the management thereof.

Section 3763. The assessor must prepare, at the same time he prepares the general assessment book, another assessment book, called "The Assessment Book of the Net Proceeds of Mines," alphabetically arranged, unless otherwise directed by the State Board of Equalization, in which must be listed the net proceeds of all the mines in his county, and in which must be specified, in separate columns and under the appropriate head:

1. The name of the owner of the mine.
2. Description and location of the mine.
3. Number of tons extracted during the year.
4. Gross yield or value in dollars and cents.
5. Actual cost of extracting same from mine.
6. Actual cost of transportation to place of reduction or sale.
7. Actual cost of reduction or sale.
8. Cost of construction and repair of mines and reduction works during the year.
9. Net proceeds or value, in dollars.
10. Total amount of tax.

Section 3764. The duties of the assessor, county clerk, State Board of Equalization, and Board of County Commissioners, as to the assessment of the net proceeds of mines, the statements and returns to be made, the equalization thereof, and other official acts, are the same as those mentioned in Chapter III., of this Title, in regard to the assessment of other property.

Section 3765. If any person, corporation or association engaged in mining, as mentioned in this Chapter, refuses or neglects to make and deliver to the assessor of the county where the mines are located, the statement mentioned in this Chapter, such assessor must list the property and assess, according to his knowledge and information, the amount of such tax in the manner provided by law for the assessment of other property where no statement is furnished.

Section 3766.. The assessor, at any time, has a right to examine the books and accounts of any person, corporation or association engaged in mining, as mentioned in this Chapter, in order to verify the statement made by such person, corporation or association, and if from

such examination he finds such statement false, he must assess the net proceeds in the same manner as if no statement had been made and delivered.

Section 3767. Nothing in this Chapter contained must be construed so as to exempt from taxation the improvements, buildings, erections, structures or machinery placed upon any mining claim, or used in connection therewith, or supplies used either in the mills, reduction works or mines.

Section 3768. The tax mentioned in the preceding Sections must be collected and the payment thereof enforced as the collection and enforcement of other taxes are provided for, and every such tax is a lien upon the mines or mining claims from which the ores or minerals are extracted, which lien attaches on the first Monday of March in each year, and the sale thereof for delinquent taxes may be made as provided for the sale of real estate for delinquent taxes.

ASSESSMENT FOR IMPROVEMENTS IN UNINCORPORATED TOWNS.

See Sections 5100 to 5133 Political Code.

Section 5112. Mining claims.

Section 5112. Whenever mining claims have been located and held bona fide for mining purposes, such mining rights, according to the metes and bounds located and claimed, must not in any manner be affected by the provisions of this Article; nor must any sale be made, nor any title be conveyed by reason of any sale or pretended sale of such lands so claimed for mining purposes until after the occupancy of such mining claims has been abandoned by the holders thereof.

CONFLICTING CLAIMS.

Code of Civil Procedure.

Section 1321. Mining claim, actions concerning to be governed by local rules.

Section 1322. Adverse claims under acts of Congress.

Section 1321. In actions respecting mining claims, proof must be admitted of the customs, usages, or regulation established and in force

at the bar or diggings embracing such claim, and such customs, usages or regulations, when not in conflict with the laws of this State or the United States, must govern the decision of the action.

Section 1322. In an action brought to determine the respective rights of claimants to the possession of a mining claim or quartz lode, under the provisions of the Acts of Congress of the United States, it is immaterial which party is in possession, and it is sufficient to confer jurisdiction upon the court, if it appears from the pleadings that the application for a patent has been made and an adverse claim thereto filed and allowed in the proper land office; and the verdict or decision must find which party is entitled to the possession of the premises in dispute.

SUMMARY SALES OF MINES AND MINING CLAIMS—ADMINISTRATION OF ESTATES.

Code of Civil Procedure.

Section 2660. Mines may be sold, how.

Section 2661. Petition for sale, who may file and what to contain.

Section 2662. Order to show cause, how made and on what notice.

Section 2663. Order for sale, when and how made.

Section 2664. Further proceedings to conform to Articles II. and IV.

Section 2660. When it appears from the inventory that the estate consists, in whole or in part, of mines or interests in mines, or of shares, interests, or stocks in a mining corporation, such mines, interests, stocks or shares may be sold under the order of the court or judge.

Section 2661. The executor or administrator, or any heir at law, or creditor of the estate, or any partner or member of any mining company or corporation, in which interests or shares are held or owned by the estate, may file in the court a petition, in writing setting forth the general facts of the estate being then in due course of administration, and particularly describing the mine, interests or shares which it is desired to sell, and particularly the condition and situation of the mines or mining interests, or of the mining company or corporation, in which such interests or shares are held, and the grounds upon which the sale is asked to be made.

Section 2662. Upon the presentation of such petition, the court or judge must make an order directing all persons interested to appear before such court or judge, at a time and place specified, not less than four nor more than ten weeks from the time of making such order, to show cause why an order should not be granted to the executor or administrator to sell such mine, mining interests, shares, or stocks, as set forth in the petition and belonging to the estate. A copy of the order to show cause must be personally served on all persons interested in the estate, at least ten days before the time appointed for hearing the petition, or published at least four successive weeks in such newspaper as the court or judge shall specify. If all persons interested in the estate signify in writing their assent to such sale, the notice may be dispensed with.

Section 2663. If, upon hearing the petition, it appears to the satisfaction of the court or judge that it is to the interest of the estate that such mining property or interests of the estate should be sold, or that an immediate sale is necessary in order to secure the just rights or interests of the mining partners or tenants in common, such court or judge must make an order authorizing the executor or administrator to sell such mining interests, mines or shares, as herein provided.

Section 2664. After the order of sale is made, all further proceedings for the sale of such mining property, and for the notice, report, and confirmation thereof, must be in conformity with the provisions of Articles II. and IV., of this Chapter.

FALSE PRETENSES IN SELLING MINES.

Penal Code.

Section 942. Use of false pretenses in selling mines.

Section 942. Every person who, with intent to cheat, wrong, or defraud, places in or upon any mine or mining claim any ores or specimens of ores not extracted therefrom, or exhibits any ore, or certificate of assay of ore not extracted therefrom, for the purpose of selling any mine or mining claim, or interest therein, or who obtains any money or property by any such false pretenses or artifices, is guilty of a felony.

MINERS EXEMPTION FROM EXECUTION.

Sub. Div. 5, Sec. 1222 Code of Civil Procedure.

Sub. Div. 5, Sec. 1222. To a miner: His cabin or dwelling, sluices and pipes, hose, windlass, derricks, cars, pumps, tools, implements, and appliances necessary for carrying on any kind of mining operations, not exceeding in value the aggregate sum of one thousand dollars, and one horse or mule, with harness, and food for such horse or mule, for three months, when such horse or mule is used in working his mine or mining claim.

LIENS OF MECHANICS ON MINING PROPERTY.

Code of Civil Procedure.

Section 2130. Who entitled to lien.

Section 2130. Every mechanic, miner, machinist, architect, foreman, engineer, builder, lumberman, artisan, workman, laborer, and any person performing any work and labor upon, or furnishing any material, machinery or fixture for any building, structure, bridge, flume, canal, ditch, aqueduct, mining claim, quartz lode, tunnel, city or town lot, farm, ranch, fence, railroad, telegraph, telephone, electric light, gas or water works or plant, or any improvements upon complying with the provisions of this Chapter, for his work or labor done, or material, machinery or fixtures furnished, has a lien upon the property upon which the work or labor is done, or material furnished.

NATURE OF PROPERTY.

Civil Code.

Section 1077. Fixtures attached to mine.

Section 1077. Sluice boxes, flumes, hose, pipes, railway tracks, cars, blacksmith shops, mills, and all other machinery or tools used in working or developing a mine are to be deemed affixed to the mine.

MINING PARTNERSHIPS.

Civil Code.

- Section 3350. When a mining partnership exists.
- Section 3351. Express agreement not necessary to constitute.
- Section 3352. Profits and losses, how shared.
- Section 3353. Lien of partners.
- Section 3354. Mine—Partnership property.
- Section 3355. Partnership not dissolved by sale of interest.
- Section 3356. Purchaser takes, subject to liens, unless, etc.
- Section 3357. Takes with notice of lien, when.
- Section 3358. Contract in writing, when binding.
- Section 3359. Owners of majority of shares govern.

Section 3350. A mining partnership exists when two or more persons who own or acquire a mining claim for the purpose of working it and extracting the mineral therefrom, actually engage in working the same.

Section 3351. An express agreement to become partners or to share the profits and losses of mining, is not necessary to the formation and existence of a mining partnership. The relation arises from the ownership of shares or interests in the mine and working the same for the purpose of extracting the minerals therefrom.

Section 3352. A member of a mining partnership shares in the profits and losses thereof in the proportion which the interest or share he owns in the mine bears to the whole partnership capital or whole number of shares.

Section 3353. Each member of a mining partnership has a lien on the partnership property for the debts due the creditors thereof, and for money advanced by him for its use. This lien exists notwithstanding there is an agreement among the partners that it must not.

Section 3354. The mining ground owned and worked by partners in mining, whether purchased with partnership funds or not, is partnership property.

Section 3355. One of the partners in a mining partnership may convey his interest in the mine and business without dissolving the partnership. The purchaser, from the date of his purchase, becomes a member of the partnership.

Section 3356. A purchaser of an interest in the mining ground of a mining partnership takes it subject to the liens existing in favor of the

partners for debts due all creditors thereof, or advances made for the benefit of the partnership, unless he purchased in good faith, for a valuable consideration, without notice of such lien.

Section 3357. The purchaser of the interest of a partner in a mine when the partnership is engaged in working it, takes with notice of all liens resulting from the relation of the partners to each other, and to the creditors of the partnership.

Section 3358. No member of a mining partnership or other agent or manager thereof can, by a contract in writing, bind the partnership, except by express authority derived from the members thereof.

Section 3359. The decision of the members owning a majority of the shares or interests in a mining partnership binds it in the conduct of its business.

MINING CORPORATIONS.

Civil Code.

Section 1010. Transfer agencies.

Section 1011. Stock issued at transfer agencies.

Section 1012. Directors not to sell property.

Section 1013. Proceedings and certificate of meeting of stockholders.

Section 1014. Corporation dissolved.

Section 1015. Consolidation.

Section 1010. Any corporation organized in this State for the purpose of mining or carrying on mining operations in or without this State, may establish and maintain agencies in other States of the United States, for the transfer and issuing of its stock; and a transfer or issue of the same at any such transfer agency, in accordance with the provisions of its by-laws, is valid and binding as fully and effectually for all purposes as if made upon the books of such corporation at its principal office within this State. The agencies must be governed by the by-laws and the directors of the corporation.

Section 1011. All stock of any such corporation issued at a transfer agency must be signed by the president and secretary of the corporation and countersigned at the time of its issue by the agent having charge of the transfer agency. No stock must be issued at a transfer agency unless the certificate of stock, in lieu of which the same is issued, is at the time surrendered for cancellation.

Section 1012. The Board of Directors of any mining corporation organized under the provisions of this Code, shall not have power to sell, lease, mortgage or otherwise dispose of the whole or any part of the mining ground, quartz mills, smelters, concentrators or reduction works of such corporation, unless they shall have first called a meeting of the stockholders of such corporation in the manner prescribed in Section 525 of this Code, for the purpose of submitting to the stockholders of such corporation the proposition to sell, lease, mortgage or otherwise dispose of the property of such corporation or some portion thereof. The notice so required to be published and sent to each stockholder shall distinctly specify each particular tract or piece of property so to be sold, leased, mortgaged or otherwise disposed of and the particular disposition to be made thereof.

Section 1013. If at the time and place specified in the notice provided for in the preceding Section, stockholders shall appear in person or by proxy, representing not less than three-fourths of all the shares of stock of the corporation, they may organize by choosing one of their number chairman of the meeting, and also a suitable person for secretary, and proceed to vote on the proposition mentioned in said notice. If there are distinct pieces or parcels of property embraced in the proposition, each separate piece of property capable of being disposed of in one parcel without material injury to the remainder shall be voted on separately. If on canvassing the votes it shall be found that at least two-thirds of all the shares of the capital stock of such corporation have been voted in favor of selling, leasing, mortgaging or otherwise disposing of a given piece or the whole of said mining property, then the chairman and secretary of such meeting shall make a certificate showing the total number of shares of the capital stock of such corporation represented in such meeting and by whom voted; the number of shares voted in favor of the proposition and the number of shares voted against the same. Such certificate shall be signed by the chairman, countersigned by the secretary, and verified by their oaths, taken before some officer qualified to administer oaths. Such verification shall be to the effect that the matters and things therein contained are true, and that the meeting at which such proceedings were had was called and held in pursuance of law, to the best of their knowledge, information and belief. Such certificate shall be spread at length on the record of stockholders' meetings of such corporation, and a copy thereof under the seal of said corporation, and attested by its president and

secretary, and duly acknowledged shall be recorded in the office of the county clerk of every county wherein any of such property is situated.

Section 1014. If a sale shall be made as above provided of the whole of the property of such corporation, the corporation shall thereby be dissolved, and its affairs shall be wound up as provided for in other cases of the dissolution of corporations.

Section 1015. It shall be lawful for two or more corporations formed, or that may hereafter be formed, under the laws of this State, for mining purposes, which own or possess mining claims or lands adjoining each other, or lying in the same vicinity, to consolidate their capital stock, debts, property, assets, and franchises, in such manner and upon such terms as may be agreed upon by the respective Boards of Directors of such corporations so desiring to consolidate their interests; but no such consolidation shall take place without the written consent of the stockholders representing two-thirds of the capital stock of each corporation, and no such consolidation shall, in any way, relieve such corporations or the stockholders thereof, from any and all just liabilities; and in case of such consolidation, due notice of the same shall be given, by advertising for one month in at least one newspaper published in the county where the said mining property is situated, if there be one published therein, and also in one newspaper published in the county where the principal place of business of any of said corporations shall be. And when the said consolidation is completed, a certificate thereof, containing the manner and terms of said consolidation, shall be filed in the office of the county clerk of the county in which the original articles of corporation of any of said corporations shall be filed, and a copy thereof shall be filed in the office of the Secretary of State; such certificate shall be signed by a majority of each Board of Directors of the original corporations and it shall be their duty to call, within thirty days after the filing of such certificate, and after at least ten days' public notice, a meeting of the stockholders of all of said mining corporations so consolidated to elect a Board of Directors for the consolidated mining corporation, for the year then next ensuing. The said certificate shall also contain all the requirements prescribed by this Code.

INSPECTOR OF MINES.

Political Code.

- Section 580. Appointment qualifications, etc.
- Section 581. Deputy inspector, appointment qualifications, etc.
- Section 582. Examination of mines.
- Section 583. Complaints and duties of inspector, when made.
- Section 584. Same. Notice to be given and examination made.
- Section 585. Annual inspection.
- Section 586. Accidents.
- Section 587. Bond.
- Section 588. Report.
- Section 589. Not to apply to certain mines.

Section 580. The Governor, by and with the advice and consent of the Senate must appoint an Inspector of Mines, who shall be at least thirty years of age, a resident of Montana at least one year, who shall be theoretically and practically acquainted with Mines and Mining in all its branches, and he shall hold his office for four years unless sooner removed by the Governor. No person shall hold the position of Inspector of Mines while an employee or officer of any mining company or corporation. The Inspector of Mines must devote his entire time to the duties of his office, and his salary is two thousand, four hundred dollars.

Section 581. The Governor by and with the consent of the Senate must appoint a Deputy Inspector of Mines who shall possess like qualifications to those required of the Inspector of Mines, who shall hold his office for four years unless sooner removed by the Governor. No person shall hold the office of Deputy Inspector of Mines while an employee or officer of any mining company or corporation.

The Deputy Inspector of Mines must devote his entire time to the duties of his office under the supervision and direction of the Inspector of Mines, and his annual salary is one thousand, six hundred and fifty dollars.

Section 582. It is the duty of the Inspector of Mines by himself or his deputy to visit every mine in the State once every six months and inspect its workings, timbering, ventilation, means of ingress and egress and the means adopted and in use for the preservation of the lives and safety of the Miners employed therein; for this purpose the Mining Inspector and his Deputy shall at all times have access to any mine and

all parts thereof. All mine owners, lessees, operators or superintendents must render such assistance as may be necessary to enable the Inspector or his Deputy to make the examination.

Section 583. Whenever the Inspector of Mines receives a complaint in writing, signed and verified by the oath of three or more persons setting forth that the mine in which they are working is dangerous in any respect, he or the Deputy Inspector must in person visit and examine such mine. Every complaint must specifically set forth the nature of the danger existing at the mine, and describe with as much certainty as possible, how such mine is rendered dangerous, and must set forth the time the cause of such danger was first observed, and set forth whether or not any notice of such defect or danger has been given by the complainants, or anyone else to their knowledge, to the superintendent of such mine, and if no such complaint has been made to such superintendent, the reason why it has not been made.

Section 584. After such complaint shall have been received by the Inspector of Mines, he must serve a copy thereof, but without the names of the complainants, upon the superintendent, or manager, or owner of such mine, at any time before he visits the same, and as soon as possible visit such mine; and if from such examination he ascertains that the mine is, from any cause in a dangerous condition, he must at once notify the owner, lessor, lessee, or agent thereof, such notice to be in writing, and to be served by copy on such owner, lessor, lessee, or agent, in the same manner as provided by law for the serving of legal process, and the notice must state fully and in detail, in what particular manner such mine is dangerous or insecure, and require all necessary changes to be made without delay, for the purpose of making such mine safe for the laborers employed therein; and in case of any criminal or civil procedure at law against the party or parties so notified, on account of loss of life or bodily injury sustained by any employe subsequent to such notice, and in consequence of a neglect to obey the Inspector's requirement, a certified copy of the notice served by the Inspector is *prima facie* evidence of the gross negligence of the party or parties so complained of.

Section 585. It is the duty of the Inspector of Mines, at least once in each year, either in person or by a Deputy Inspector, to visit each mining county in the State, and examine as many of the mines in the different counties as practicable, and make such recommendations as in his judgment are necessary to insure the safety of the workmen

employed therein; and whenever, from his examination, he finds any mine to be in an unsafe conditon, he shall at once serve a notice upon the owner, lessor, lessee, or agent thereof, as provided in the next preceding section.

Section 586. Whenever a serious or fatal accident occurs in any mine it is the duty of the person in charge thereof to immediately notify the Inspector of Mines, or the Deputy Inspector, and upon receiving such notice the Inspector in person, or Deputy Inspector, must at once repair to the place of accident, and investigate fully the cause of such accident, and whenever possible to do so the Inspector, or Deputy Inspector, shall be present at the coroner's inquest held over the remains of the person or persons killed by such accident, and testify as to the cause thereof, and state whether in his opinion the accident was due to the negligence or mismanagement of the owner or person in charge. If the Inspector or Deputy Inspector cannot be immediately present in case of a fatal or serious accident occurring, it is the duty of the owner, or person in charge of the mine, to have written statements by those witnessing the same, and duly sworn to. In case of no person being present at the time of the accident, then the verified statement of those first present after the accident, must be taken, and such statement must be given to the Inspector or the Deputy Inspector.

Section 587. The Inspector of Mines must execute an official bond in the sum of five thousand dollars, and the Deputy Inspector must execute an official bond in the sum of twenty-five hundred dollars.

Section 588. The Inspector of Mines must make an annual report to the Governor on the first Monday of November, and in the report must state all the accidents that have occurred in the mines of the State which have occasioned serious injury or resulted fatally, together with the nature and cause of such accidents. Such report must also contain statistical and other information which may tend to promote the development of the mineral resources of the State, and must set forth the result of the Inspector's labors.

Section 589. The provisions of this Article do not apply to mines in which less than five men are employed.

REGULATION OF COAL MINES.

Political Code.

- Section 3350. Maps of coal mines to be furnished inspector.
- Section 3351. Additions to the map to be made, when.
- Section 3352. Failure to provide maps.
- Section 3353. Coal mine escapes.
- Section 3354. Escapes, how constructed.
- Section 3355. Ventilation of coal mines.
- Section 3356. Ventilation, enforced by the inspector.
- Section 3357. Examination for explosive gases.
- Section 3358. Unlawful working of coal mines.
- Section 3359. Foreman must have certificate from inspector and incompetent persons not to be employed.
- Section 3360. Ventilation furnaces, how built.
- Section 3361. Hoisting and lowering into the mine.
- Section 3362. Signals, cage, how loaded, and protection.
- Section 3363. Same.
- Section 3364. Penalties.
- Section 3365. State to furnish appliances.

Section 3350. The owner or operator of any coal mine in the State, must make, or cause to be made, an accurate map or plan of the mine, which must exhibit the openings or excavations, the shafts, slopes, or tunnels, the entries, rooms, or other workings, must show the direction of the air currents therein, accurately delineate the surface section lines of the coal lands controlled by the owner of said mines and show the exact relation to and proximity of the workings of said mine to said surface lines; said map, or plan, must also show the exact date of each survey made, and indicate the boundary line of the most advanced face of the workings at such date; and in case more than one seam of coal is opened or worked, a separate map or plan as aforesaid, must, if desired by the Inspector, be made of the working in each seam. The map, or plan, or a true copy thereof, with the record of all surveys of said boundary lines and underground workings, must be delivered to the State Inspector of Mines, and the original or a true copy of the same must be retained for reference and inspection at the office of the coal mine. The maps and plans so delivered to the Inspector of Mines are the property of the State, and must be transferred to his successor in office. Maps of mines filed with the Inspector must be open to the examination of the public in the presence of the Inspector, but in no case must any copy of the same be made without the consent of the owner, operator, or his agent.

Section 3351. After the maps and plans herein provided are completed, thereafter in July of each year, the owner or operator of every coal mine must cause surveys to be made of all alterations and extensions of the workings made during the year preceding, and must have the records and results of the survey duly entered upon the maps of the Inspector, and upon that kept at the mine. The said extensions must be placed upon the Inspector's map, and the map returned to the Inspector within thirty days from the completion of the survey. When any coal mine is worked out, and is about to be abandoned the owner or operator must have the maps or plans thereof extended to include all the excavations made, showing the most advanced workings of every part of the mine and the relation of such boundaries to marked boundaries on the surface.

Section 3352. Whenever the owner or operator of any coal mine neglects or refuses to furnish the Inspector the map or plan of such coal mine, or the extensions thereto, as provided for in this Chapter, the Inspector is authorized to make, or cause to be made, an accurate map or plan of such coal mine, at the expense of the owner, and the cost may be recovered from the owner or operator, in the same manner as other debts, in the name of the State.

Section 3353. For all coal mines in this State, when more than six men are employed, other than the owners or operators of such mine, whether worked by shaft, slope, or drift, there must be provided and maintained in addition to the hoisting shaft or opening, a separate escapement shaft or opening to the surface, or an underground opening or communication between every such mine and some other contiguous mine, as may be approved by the Mine Inspector, as coming within the requirements of this Chapter, which openings constitute two separate and available means of ingress and egress to all persons employed in the mine, and all passage-ways communicating with the escapement shafts must be at least five feet wide and five feet high.

Section 3354. Every escapement shaft must be separated from the main shaft by such extent of natural strata as shall secure safety to the men employed in such mines, and provided with either stairways, or cages and hoisting apparatus, as in the judgment of the Inspector of Mines may be sufficient to insure the safe and speedy removal of all persons within the mine in case of danger. No obstructions of any kind must be permitted in any escapement shaft that would in any way impede travel through the same. The time allowed for completing

such escapement shaft or making such communication with an adjacent mine, as is required by the terms of this Chapter, is for all mines already opened or in process of development on the sixth day of March, 1891, one year for sinking any shaft two hundred feet or less in depth, and one additional year or pro rata portion thereof for every additional two hundred feet, or fraction thereof; but for mines which are opened thereafter the time allowed shall be two years for all shafts more than two hundred feet in depth, and one year for all shafts two hundred feet or less in depth, and the time must be reckoned in all cases from the date on which coal is first hoisted from the original shaft for sale or use, and it is the duty of the Inspector of Mines to see that all escapement shafts are begun in time to secure the completion within the time herein specified.

Section 3355. The owner or operator of every coal mine, whether operated by shaft, slope or drift, must provide and maintain for every such mine a good and sufficient amount of ventilation for men and animals employed therein; the amount of air in circulation to be in no case less than one hundred cubic feet for each man, and six hundred cubic feet for each animal per minute, measured at the foot of the down cast, and the same to be increased at the discretion of the Inspector according to the character and extent of the workings, or to the amount of powder used in blasting, and the volume of air must be forced and circulated to the face of every working place throughout the mine, so that the mine is free from standing powder smoke and gases of every kind. All doors set on main entries for the purpose of conducting ventilations must be so constructed and hung as to close of themselves when opened, and must be made sufficiently tight to effectually obstruct the air currents.

Section 3356. In all the larger mines, a suitable person as door-keeper must be kept in attendance upon such doors, to see that they are kept securely closed and the air currents properly controlled. Whenever the Inspector finds men working without sufficient air or under any unsafe conditions, he must first give the owner or operator a reasonable notice to rectify the same; upon the neglect or refusal of the owner or operator of the mine to put the same in a safe condition, as required by the Inspector, the Inspector must proceed by an action to enjoin the further workings of the mine until the law is complied with. All actions for an injunction must be brought by the county attorney, or by the Attorney General in the name of the State.

Section 3357. All mines in which explosive gases are known to exist must be examined every morning by a duly authorized agent of the owner or operator, to determine whether there are any dangerous accumulations of gases or lack of ventilation or obstructions to roadways or any other dangerous conditions and no person must be allowed to enter the mine until the agent has reported all the conditions safe for beginning work; the agent must make a daily record of the conditions of the mine in a book kept for that purpose, which shall be open at all times to the examination of the Inspector. The current of air in mines must be split, so as to give a separate current to at least every one hundred men at work, and the Inspector has the discretion to order a separate current for a smaller number of men if special conditions render it necessary. In case the entries or roadways of any mine are so dry as to become filled with dust, the owner or operator of the mine is required to have such roadways regularly and thoroughly sprinkled and it is the duty of the Inspector to see that in all mines every practicable precaution is taken against accidents from the careless handling of powder within the mine.

Section 3358. In no case must more powder be stored in the mine at any one time than in the discretion of the Inspector is necessary for each day's use. It is unlawful for coal miners in any mine to charge a blasting hole with the loose powder or otherwise than with the properly constructed cartridge; and in dry and dusty mines it is unlawful to load cartridges in the mines except with powder cans constructed for that purpose. It is unlawful for the owner or operator of any mine to permit miners to work in said mines with tools prohibited by law. It is unlawful for any owner or operator of any mine where dangerous or explosive gases are known to exist to employ any person as foreman or boss of said mine, who does not possess a thorough, practical knowledge of the nature and danger of inflammable or explosive gases and understand the means and appliances for controlling them. It is unlawful for any person to act as foreman or mine boss of any mine in which inflammable gases are known to exist, who does not possess a thorough, practical knowledge of the nature and danger of inflammable or explosive gases, and understand the means and appliances for controlling them.

Section 3359. It is unlawful for any person to act as foreman or mine boss of any mine in which inflammable gases are known to exist who does not possess a certificate from the State Mine Inspector certi-

fying to his competency for managing the underground workings of mines, together with a thorough knowledge of all gases met with in coal mines and of the most approved means of appliances for controlling them, and the Inspector of Mines is authorized to examine all foremen or mine bosses upon their competency under the provisions of this Chapter and issue his certificate to those whom he considers qualified to act as such foreman or boss within the meaning of this law. It is unlawful for any owner or operator of a coal mine to employ persons underground whose duties may involve contact with inflammable gases or the handling of explosives, who have not had experience in such duties, unless all such employes are placed under the immediate charge and instruction of such number of competent men as to secure the safety of other persons employed in the same mine.

Section 3360. The ventilation required by this Chapter may be produced by any suitable appliances, but in case a furnace is used for ventilating purposes it must be built in such a manner as to prevent the communication of fire to any part of the works by lining the upcast with incombustible material for a sufficient distance up from the furnace. It is unlawful to use a furnace for ventilating purposes or for any other purpose that emits smoke into any compartment constructed in or adjoining any hoisting shaft or slope where the hoisting shaft or slope is the only means provided for the ingress or egress of persons employed in said coal mines. It is unlawful where there is but one means of ingress and egress provided at a coal shaft or slope to construct and use a ventilating furnace that emits smoke into a shaft as an upcast where the shaft or slope as a means of ingress and egress by persons employed in said coal mines is the only means provided for furnishing air for persons employed therein.

Section 3361. The owner or operator of a coal mine operated by shaft must provide safe means of hoisting and lowering persons in a cage covered with boiler iron, so as to keep safe as far as possible persons descending into and ascending out of said shaft, and said cage must be furnished with guides to conduct iron slides through such shaft, with a sufficient brake on every drum to prevent accident in case of the giving out or breaking of the machinery; and such cages must be furnished with safety catches intended and provided as far as possible to prevent accident in case of cable breaking or the loosening or disconnecting of machinery. The owner or operator of every coal mine operated by shaft and steam power must place competent persons at

the top and bottom of such shaft for the purpose of attending to signals while the men are being lowered or hoisted out of the mine; they must be at their post of duty at least thirty minutes before the hoisting of coal is commenced in the morning and remain at least thirty minutes after the hoisting of coal has ceased at night. It is also their duty to see that the men do not carry any tools, timber, or material with them on the cage, and that only the proper number of men are allowed upon the cage at one time. A sufficient light must be furnished at the top and bottom of the shaft to insure as far as possible the safety of persons getting on or off the cage.

Section 3362. A suitable code of signals between the bottom man and the top man and engineer must be established to provide and insure the safety of persons being lowered into and hoisted out of any shaft; said code of signals so established must be conspicuously posted at the top and bottom of the shaft and in the engine room. No person must ride upon a loaded cage or car used for hoisting purposes in any shaft or slope, and in no case must more than twelve persons ride in any cage or car at any one time, nor must any coal be hoisted out of any coal mine, except in cases where coal is being hoisted out of a slope which is not less than ten feet wide and only one track operated therein, while persons are descending into such mine. The number of persons permitted to ascend out of or descend into any coal mine at one time must be determined by the Inspector, and they must not be lowered or hoisted more rapidly than five hundred feet per minute. The top of each and every shaft and the entrance to each and every intermediate working vein must be securely fenced by gates, properly protecting such shaft and the entrance thereto, and the entrance to every abandoned slope, air or other shaft must be securely fenced off.

Section 3363. All underground, self-acting or engine planes, with single track, on which coal cars are drawn and persons travel, must be provided with proper means of signaling between the stopping places and ends of said planes, and sufficient places of refuge at the sides of such planes must be provided at intervals of not more than ten yards and all their other single planes or gangways, twenty yards, and they must not be less than six feet wide and whitewashed or otherwise distinguished from the surrounding walk. The bottom of every shaft must be supplied with a traveling way, to enable men to pass from one side of the shaft to the other without passing under or over the cage. All sumps must be securely planked over, so as to prevent accident.

Section 3364. Any person neglecting or refusing to perform the duties required by any of the provisions of this Chapter is punishable as provided in Section 718, of the Penal Code.

Section 3365. The Inspector of Mines is authorized to provide, at the expense of the State, all necessary air meters, barometers or other instruments for the use of himself and deputy in making all investigations and inspections, as required by this Chapter.

CRIMES AGAINST PUBLIC HEALTH AND SAFETY.

Penal Code.

Section 718. Regulation of coal mines.

Section 718. Every person who violates any of the provisions of Chapter XX., Title VII., Part III., of the Political Code, relating to the regulation of coal mines, is guilty of a misdemeanor.

PROTECTION TO UNDERGROUND MINERS.

House Bill 17, Session Laws 1897.

Section 1. It is the duty of any person, company or corporation, who shall have sunk on any mine a vertical or incline to a greater depth than one hundred feet, and who shall have the top of such shaft or hoisting opening covered or enclosed by a shaft or building which is not fire-proof, and who shall have drifted on or along the vein or veins thereof, a distance of two hundred feet or more, after cross cutting to the same, and shall have commenced to stope, to provide and maintain to the hoisting shaft or the opening through which men are let into or out of the mine and the ore is extracted, a separate escapement shaft, raise, or opening, or an underground opening or communication between every such mine and some other contiguous mine, provided, that in case such contiguous mine belongs to a different person, company, or corporation, the right to use the outlet through such contiguous mine, in all cases when necessary, or in cases of accident must be secured and kept in force. Where such an escapement shaft or opening shall not be in existence at the time that stoping is commenced, work upon such an escapement shaft or opening must be commenced as soon as stoping begins and be diligently prosecuted until the same is completed, and said escapement shaft raise or opening shall be continued to and connected with the lowest workings in the mine. The

exit, escapement shaft, raise, or opening provided for in the foregoing paragraphs must be of sufficient size as to afford an easy passage way, and if it be a raise, or shaft, must be provided with good and substantial ladders from the deepest workings to the surface. Whenever the exit or outlet herein provided for is not in a direct or continuous course, sign-boards plainly marked showing the direction to be taken must be placed at each departure from the continuous course.

Section 2. This Act shall apply only to quartz mines in which nine or more men are employed underground, and shall not apply to mines not actually extracting ores, by stoping, nor to mines in which the shaft or hoisting opening, or hauling way is not covered by a shaft house, and has no building structure within thirty (30) feet of the shaft or opening, nor to mines in which the hoisting shaft or opening shall be covered by or enclosed in a fire-proof shaft or building.

Section 3. The penalty for violating any of the provisions of the preceding Section is the same as provided in Section 705 of the Penal Code.

SAFETY APPARATUS.

Sec. 705 Penal Code as amended by H. B. 77, Session Laws 1897.

Section 705. Safety cages, etc.

Section 705. It is unlawful for any corporation or person to sink, or work, through any vertical shaft where mining cages are used, to a greater depth than three hundred feet, unless said shaft shall be provided with an iron-bonneted safety cage, to be used in the lowering and hoisting of the employees thereof, said cage to be also provided with sheet iron or steel casing not less than one-eighth inch in thickness, or wire netting of not less than one-eighth inch in diameter; doors to be made of the same material shall be hung on hinges, or may be made to slide and shall not be less than five feet high from the bottom of the cage, and said doors must be closed when lowering or hoisting men.

The safety apparatus, whether consisting of eccentrics, springs or other device, must be securely fastened to the cage, and must be of sufficient strength to hold the cage loaded, at any depth to which the shaft may be sunk.

The iron bonnet of the aforesaid cage must be made of boiler sheet iron, of good quality, of at least three sixteenths of an inch in thickness, and must cover the top of such cage in such manner as to afford the

greatest protection to life and limb from anything falling down said shaft.

It shall be the duty of the mining inspector and his assistant to see that all cages are kept in compliance with this Section and to also see that the safety dogs are kept in good order.

Every person or corporation failing to comply with any of the provisions of this Section is punishable by a fine not less than three hundred dollars, nor more than one thousand dollars.

SAFETY APPARATUS AND SIGNALS.

Political Code.

Section 3652. Code of signals in mines.

Section 3653. Penalties.

Section 3654. Fines paid into school fund.

Section 3652. It is made the duty of the Inspector of Mines of Montana, and he is hereby required to prepare a complete code of signals for use in all mines in this State, worked through a shaft of 75 feet or more in depth, and employing ten or more men, and cause the same to be made known to each owner or operator of a mine in Montana by printed circular instructions to the end that a uniform code of mine signals may prevail. The said Inspector of Mines of Montana, may add to or change such code of signals as circumstances may require, but no change of signals shall go into effect until a time specified by him, not less than sixty days nor more than ninety days from the time such change shall be ordered by him; provided, that the code of signals first prepared by him shall be used in all said shaft mines from and after June 1, 1895.

Section 3653. Any owner or operator of a mine who shall refuse or neglect to cause the signals provided for in Section 3652 of this Act to be used in his mine to the exclusion of all other signals, shall be deemed guilty of a misdemeanor and upon conviction of such refusal or neglect, shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days or more than ninety days in the discretion of the court, for each and every offense.

Section 3654. All fines which may be collected under the provisions of this Act, shall be paid into and form a portion of the public school fund in the county in which the conviction takes place.

State Code of Mine Signals.

SIGNAL BELLS.

- 1 Bell Hoist, 1 Bell Stop, (if in motion.)
- 2 Bells lower men, 3 Bells hoist men.
- 4 Bells blasting signal, engineer must answer by raising bucket a few feet and letting it back slowly.
Then 1 Bell hoist men away from blast.
- 5 Bells steam on, 6 Bells steam off.
- 7 Bells air on, 8 Bells air off. 3-2-2 send down drills. 3-2-3 send down picks.
- 9 Bells danger signal, (case of fire or other danger) then ring number of station where danger exists. No person shall ring any bell except the station tender, except in case of danger, or when the main shaft is being sunk. Engineers must slow up when passing stations when men are on the cage.

STATION BELLS.

BELLS	PAUSE	BELLS	NO. STATION	BELLS	PAUSE	BELLS	NO. STATION
2	"	1	1	5	"	1	16
2	"	2	2	5	"	2	17
2	"	3	3	5	"	3	18
2	"	4	4	5	"	4	19
2	"	5	5	5	"	5	20
3	"	1	6	6	"	1	21
3	"	2	7	6	"	2	22
3	"	3	8	6	"	3	23
3	"	4	9	6	"	4	24
3	"	5	10	6	"	5	25
4	"	1	11	7	"	1	26
4	"	2	12	7	"	2	27
4	"	3	13	7	"	3	28
4	"	4	14	7	"	4	29
4	"	5	15	7	"	5	30

Where electric bells are used in connection with other bells.

If cage is wanted ring station signal. Station tender will answer 1 Bell. Reply 1 Bell to go up.

Reply 2 Bells to go below.

If station is full of ore and station tender is wanted, ring station signal and do not answer back.

If 2-1-2 bells are rung, engineer or station tender does not understand, repeat signal.

In case of danger or accident, ring station signal, station tender will reply 1 Bell, ring 9 Bells.

One copy of this code should be posted on the gallows frame, and one before the engineer.

To be in effect from and after June 1st, 1895.

This code is subject to change under certain conditions.

HOURS OF LABOR OF HOISTING ENGINEERS.

House Bill 22, Session Laws of 1897.

Section 1. It shall hereafter be unlawful for any engineer or other person to run or operate for more than Eight hours in twenty-four hours, any first motion or direct acting hoisting engine, in use in any mine, or to run or operate for more than said length of time any geared or indirect hoisting engine at any mine in which fifteen or more men are employed underground.

This Act shall only apply to such plant or plants as are in operation sixteen or more hours in twenty-four hours.

Section 2. It shall hereafter be unlawful for any mine owner, lessee, company or corporation, operating or conducting any mine, to hire or employ any engineer or other person to run or operate for more than eight hours in twenty-four hours, any first motion or direct acting hoisting engine in use at any time. Or to hire or employ any engineer or other person to run or operate any geared or indirect acting hoisting engine, at any mine employing fifteen or more men underground. This Act shall only apply to such plants as are specified in section one of this act Provided, however, That the provisions of this Act shall not apply to any engineer or person, who temporarily operates any of the engines mentioned, for more than eight hours in one day, when from sickness or other unforeseen cause the person regularly employed is unable to operate the same.

Section 3. Any person, company or corporation, violating the provisions of this Act, shall upon conviction, be punished by a fine of not less than ten nor more than one hundred dollars; and each and every day that any person, company or corporation violates the same shall constitute a separate and distinct violation and shall be punishable as such.

EMPLOYMENT OF CHILDREN IN MINE.

Penal Code.

Section 474. Employment of a child in a mine.

Section 474. Every person who receives or employs any child under fourteen years of age in any underground works or mine, or in any similar business, is punishable by a fine not exceeding one thousand dollars.

STORING EXPLOSIVES.

Penal Code.

Section 708. Storage of explosives in mine.

Section 709. Storage of explosives in city.

Section 714. Penalties.

Section 715. Same.

Section 708. No person, company or corporation shall store, deposit or keep in any mine a greater quantity than three thousand pounds of blasting powder, giant or hercules powder, or other highly explosive substance, and no explosives named in this Section shall be stored, deposited or kept in any place where its accidental explosion would cut off the escape of miners working in said mine.

Section 709. No person, company or corporation, shall store, deposit or keep, within one mile of the limits of any city, town or village, any powder, gun powder, giant or hercules powder, or other highly explosive substance, in greater quantities than one hundred pounds, or more than one thousand giant caps, at any one time, nor shall such explosives be stored, deposited or kept in any quantities whatever within one mile of such city, town or village, except in a magazine constructed as hereinafter described. Provided, that this Section shall not be construed to prevent any person, company or corporation, operating a mine within one mile of the limits of such city, town or village, from storing powder for use in such mine in the manner prescribed in Sections 708 and 710 of this Act. Provided also, that this Section shall not prevent the keeping of a reasonable amount of gun powder, not exceeding fifty pounds, in a safe place for sale.

Section 714. Any person, or association of persons, violating any of the provisions of this Act, shall be punishable by imprisonment in the penitentiary not exceeding five years or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Section 715. When the death of any person is caused by the explosion of any powder, gun powder, giant or hercules powder, giant caps, or other highly explosive substance, that has been stored, kept, handled, or transported, contrary to the provisions of the foregoing Sections, the person or persons who have so unlawfully stored, kept, handled or transported such explosives, or who may have knowingly or negligently permitted their agents, servants or employes, to so un-

lawfully store, keep, handle or transport the same, shall be guilty of manslaughter, and on conviction, shall be punished by imprisonment in the State Penitentiary for a period not exceeding ten years.

SINKING SHAFTS ON HIGHWAY.

Penal Code.

Section 704. Unsafe shafts, etc.

Section 704. Every person who sinks any shaft or runs any drift or cut, or causes the same to be done within twenty feet of any trail, street, road, or public highway who fails within ten days from the time the shaft or drift is sunk or run to place a substantial cover over or fence around the same, is punishable by a fine not exceeding one hundred dollars. Mining and irrigating ditches may be dug or cut to a depth not exceeding three feet without incurring the penalty of this Section.

PENALTY FOR VIOLATION OF LAW GOVERNING INSPECTOR OF MINES.

Penal Code.

Section 722. Inspection of mines, penalties.

Section 722. Every person who violates any of the provisions of Article XVI., Chapter III., Part III., of the Political Code, relating to the inspection of mines, and every person who violates any of the provisions of Chapter XXIV., Title VII., Part III., of the Political Code, relating to dams and reservoirs, is guilty of a misdemeanor.

